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LABOR RELATIONS BOARD

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STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSAB 2002-31
)	(OSHCO No. 00739)
DIRECTOR, DEPARTMENT OF LABOR)	(Inspection No. 304217607)
AND INDUSTRIAL RELATIONS,)	
)	STIPULATION AND SETTLEMENT
Complainant,)	AGREEMENT; EXHIBIT "A";
)	APPROVAL AND ORDER
vs.)	
)	
FOUR SEASONS RESORT HUALALAI,)	
)	
Respondent.)	
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STIPULATION AND SETTLEMENT AGREEMENT

Complainant Director, Department of Labor and
Industrial Relations ("Director"), and Respondent FOUR SEASONS
RESORT HUALALAI ("Respondent") having reached a full and complete
settlement of the above-captioned contested case presently
pending before the Hawai'i Labor Relations Board ("Board")
stipulate and agree as follows:

On or about April 12, 2002 to May 16, 2002, the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located at 100 Kaupulehu Drive, Kailua Kona, HI 96745.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty to Respondent on July 8, 2002 ("Citation"), alleging violations of the Hawai'i Occupational Safety and Health Standards and assessed an aggregate penalty of \$1,500.00. See Exhibit "A". Respondent timely contested the July 8, 2002 Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawai'i Revised Statutes ("HRS").
2. At all relevant times, Respondent maintained a workplace at 100 Kaupulehu Drive, Kailua Kona, HI 96745.
3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawai'i Occupational Safety and Health Law.

4. The Director has withdrawn the Citation and Notification of Penalty issued against Respondent on July 8, 2002 including the \$1,500.00 penalty.

5. Based on the Director's withdrawal of the July 8, 2002 Citation, the Director and Respondent mutually agree this case shall be dismissed.

6. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

7. Nothing in this Stipulation and Settlement Agreement shall relieve Respondent from complying with HRS chapter 396, the Hawai'i Occupational Safety and Health Law, and the related rules.

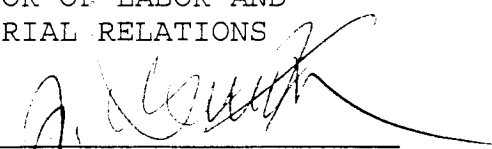
8. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawai'i Occupational Safety and Health Law, or the related rules.

DATED: Honolulu, Hawai'i, November 12, 2002.

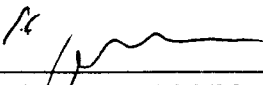
FOUR SEASONS RESORT HUALALAI

By: 
Its 

DIRECTOR OF LABOR AND
INDUSTRIAL RELATIONS

By: 
J. GERARD LAM
Deputy Attorney General
Attorney for Director, of
Labor and Industrial
Relations, State of Hawai'i=

APPROVED AS TO FORM:

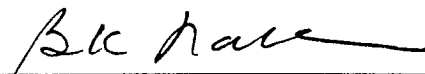


JEFFREY S. HARRIS, ESQ.
Attorney for Respondent

APPROVED AND SO ORDERED BY
HAWAII LABOR RELATIONS
BOARD:

ORDER NO. 20

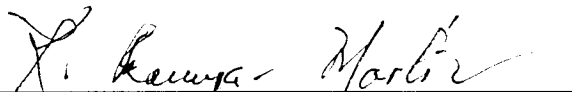
DATED: November 14, 2002



BRIAN NAKAMURA, Chairman



CHESTER KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH,
Member

In re Director, DLIR v. Four Seasons Resort Hualalai, OSAB 2002-
31, OSHCO ID 00739, Inspection No. 304217607; Stipulation and
Settlement Agreement.